

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSE CAMARENA-FAMILIA,

Defendant.

18 Cr. 649 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On July 15, 2022, Defendant Jose Camarena-Familia was sentenced principally to a term of 78 months' imprisonment on Counts One and Two of Indictment 18 Cr. 649, to run concurrently. (See Dkt. #7 (indictment), 67 (judgment); July 15, 2022 Minute Entry).

On March 18, 2024, Defendant filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Dkt. #69). The United States Probation Department thereafter issued a supplemental presentence investigation report indicating that Defendant is not eligible for a sentence reduction under Amendment 821. (Dkt. #70).<sup>1</sup>

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<sup>1</sup> Specifically, while Defendant "has met all of the criteria and is eligible for the zero-point offender recalculation" pursuant to the amended USSG §4C1.1, Defendant is "precluded from a sentence reduction because the original sentence [78 months' imprisonment] was at or below the low end of the amended guideline range [97 months' to 121 months' imprisonment]." (Dkt. #70 at 2-3).

The Court has considered the record in this case and Defendant's submission on his motion. The Court finds that Defendant is ineligible for a reduction in his sentence because, while his Total Offense Level has been reduced by two points as a result of Amendment 821 (and, specifically, the zero-point offender recalculation), he is precluded from a sentence reduction because his original sentence was at or below the low end of the amended guideline range. Accordingly, the Court DENIES his motion.

The Clerk of Court is directed to mail a copy of this Order and the accompanying AO 247 form to Defendant at the following address:

JOSE CAMARENA-FAMILIA, #85926-054  
FCI ALLENWOOD LOW  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 1000  
WHITE DEER, P.A. 17887

SO ORDERED.

Dated: April 17, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge